

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

In re:  
Ichor Corporation,  
Debtor,

Case No: 08-35861

Chapter 11 Case

In re:  
Blue Vessel, LLC,  
Debtor,

Case No: 08-35862

Chapter 11 Case

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT  
Court File No: 82-CV-208-5896

Brickwell Community Bank,

Plaintiff,

v.

Blue Vessel, LLC, Ichor Corporation,  
Sarah K. Westall and Gabriel Rojas-Cardona,

Defendants.

Notice of Removal

To: The United States Bankruptcy Court, the Minnesota State District Court for the Fourth Judicial District, and the parties identified on the attached service list.

1. Sarah K. Westall and Gabriel Rojas-Cardona, by their undersigned attorneys, hereby give notice of removal of that cause of action captioned Brickwell Community Bank v. Blue Vessel LLC, Ichor Corporation, Sarah K. Westall and Gabriel Rojas-Cardona (the "State Court Action"), currently pending in the Minnesota State District Court for the Tenth Judicial District (the "State Court").

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09 JAN 22 PM 1:04  
U.S. BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
FALL MN

2. The State Court Action was commenced upon Sarah K. Westall and Gabriel Rojas-Cardona by service of the summons and complaint attached hereto as Exhibit A.

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, Rule 5005 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), and Local Rule 1070-

1. This case was commenced upon the filing of a voluntary chapter 11 petition on November 7, 2008. This case is now pending in this Court.

4. Sarah K. Westall and Gabriel Rojas-Cardona are entitled to removal of the State Court Action on the following grounds:

(a) The claims asserted in the State Court Action arise out transactions by the Debtors, and will necessarily affect claims against the Debtors. In particular, the plaintiff asserts that Westall and Rojas-Cardona owe the same funds as the Debtor under the terms of an alleged mortgage. The plaintiff further alleges that the consideration for such debt owed by Westall and Rojas-Cardona is also consideration against the debts owing from the debtors to Brickwell. Brickwell claims the debt that is secured by real estate owned by debtor.

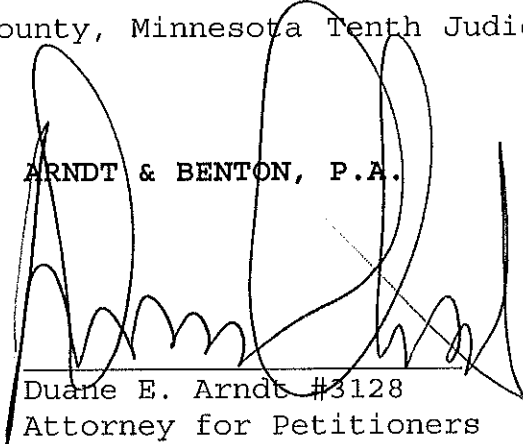
(b) The claims of Brickwell in the State Court Action involve the property and rights of the debtors in the bankruptcy cases. The State Court Action is denominated as a claim against the debtors and directly affects the liability that affects the bankruptcy estates. The action of Brickwell in the State Court Action is so intertwined with matters in the bankruptcy estates as to require a single and complete resolution of all claims sought by Brickwell in a single forum, since it clearly affects two bankruptcy estates and the interests of Westall and Rojas-Cardona as claimed guarantors.

The State Court Action involves core proceedings related to the administration of the estates of the debtors, the allowance or disallowance of claims against the estates of the debtors, counterclaims by the estates of the debtors against Brickwell.

5. Upon removal, the State Court Action will become a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).

6. As provided in Rule 9027 of the Federal Rules of Bankruptcy Procedure, this notice will become effective, and the State Court Action removed to the United States Bankruptcy Court for the District of Minnesota, upon filing with the District Court Administrator, Washington County, Minnesota Tenth Judicial District.

**ARNDT & BENTON, P.A.**



Duane E. Arndt #3128  
Attorney for Petitioners  
on Removal  
Sarah K. Westall  
And Gabriel Rojas-Cardona  
510 Grain Exchange  
400 South Fourth Street  
Minneapolis, MN 55415  
TELEPHONE: 612-332-5473  
FACSIMILE: 651-439-5900

CERTIFICATE OF SERVICE

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF WASHINGTON)

Charlene Malmgren being duly sworn says that she did deposit in the United States Mail with true and correct postage being affixed thereto on this 22<sup>nd</sup> day of January, 2009, the following:

Notice of Removal,

Addressed to:

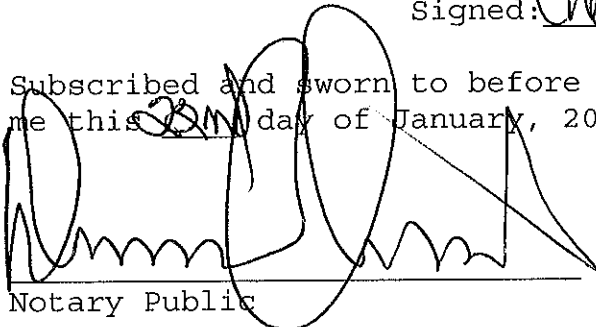
Moss & Barnett, P.A.  
4000 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Attn: Mr. Glen E. Schumann  
Mr. David P. Jendrzejek

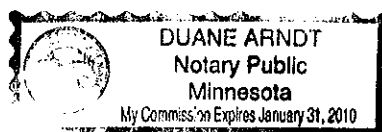
Hinshaw & Culbertson LLP  
333 South Seventh Street  
Suite 2000  
Minneapolis, MN 55402  
Attn: Mr. Joel Nessel

Washington County Government Center  
14949 62<sup>nd</sup> Street North  
Stillwater, MN 55082  
Attn: Court Administrator

Signed: Charlene Malmgren

Subscribed and sworn to before  
me this 22<sup>nd</sup> day of January, 2009.

  
Notary Public



**ARNDT & BENTON, P.A.**

**ATTORNEYS AT LAW**

510 GRAIN EXCHANGE

400 SOUTH FOURTH STREET

**MINNEAPOLIS, MINNESOTA 55415**

(612) 332-5473

FACSIMILE: (651) 439-5900

January 22, 2009

**Reply to:**  
836 West Willard Street  
Stillwater, Mn 55082

United States Bankruptcy Court  
District of Minnesota  
Warren E. Burger Fed Bldg  
Suite 200  
316 N. Robert Street  
St. Paul, MN 55101  
Attn: Clerk of Court

HAND DELIVERED

RE: Brickwell Community Bank v. Blue Vessel, LLC,  
Ichor Corporation, Sarah K. Westall and  
Gabriel Rojas-Cardona  
Court Case Nos: 08-35861; 08-35862  
Our File No: E25-4508

RECEIVED  
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U.S. BANKRUPTCY COURT  
ST. PAUL, MN

Dear Sir or Madam:

Enclosed for filing are two originals of the Notice of Removal of State Court Action, pertaining to the two above referenced Bankruptcy Court matters.

Your assistance in this matter is appreciated.

By copy of this letter, same are being served on counsel for all interested parties. We enclose our Certificate of Service for same.

Very truly yours,  
ARNDT & BENTON, P.A.

Duane E. Arndt

DEA/clm

Enclosure(s)

Cc: Moss & Barnette  
Attn: Mr. Glen Schumann (w/encl.)  
Mr. David P. Jendrzewski (w/encl.)  
Hinshaw & Culbertson LLP  
Attn: Mr. Joel Nasset (w/encl.)  
Washington County Court Administrator (w/encl.)